

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

DIRK S. ADAMS,

Plaintiff,

vs.

MIDORI E. GISSELL, TRENT  
JOHNSON, LARRY JOHNSON, *et*  
*al.*,

Defendants.

CV 20-135-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 15) on July 1, 2021. (Doc. 23). The Magistrate recommended that the motion be denied because Plaintiff Adams met his burden to demonstrate diversity between the parties. (Doc. 15 at 11).

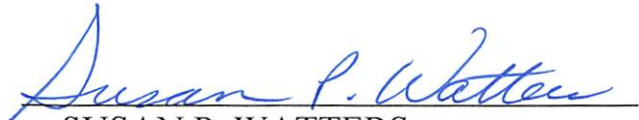
Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 15) are ADOPTED IN FULL.

IT IS FURTHER ORDERED the Defendants’ Motion to Dismiss (Doc. 15) is DENIED.

DATED this 16<sup>th</sup> day of July, 2021.

  
SUSAN P. WATTERS  
United States District Judge